IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23349 of 2004

Between:

1 A.Papaiah, S/o.A.Yellaiah,
R/o.3-8-55, Bodrai Bazar, Suryapet, Nalgonda District.
2 S.Ramulu, S/o.Narsaiah,
R/o.H.No.1-1-506, Suryapet, Nalgonda District.

... PETITIONERS

AND

1 The Dist.Collector (CS), Nalgonda District.
2 The Revenue Divisional officer, Suryapet, Nalgonda District.
3 The Mandal Revenue officer, Suryapet Mandal,

Nalgonda District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, to declare the action of the 3rd respondent in cancelling the Hawkers Licences of the petitioners by procs.No.A/9073/2004, dt.27-11-2004 as illegal, arbitrary and against the principles of natural justice and also violation of Art. 14 and 21 of the Constitution of India, and consequently direct set aside the same, and pass such other order or orders.

Counsel for the Petitioners: MR.PRABHAKAR BOMMAGANI

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

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O R D E R:

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The petitioners are kerosene hawkers. They were issued licences by the competent authority. The third respondent cancelled their licences, through proceedings dated 27.11.2004, on the basis of the instructions contained in Circular dated 27.10.2004, issued by the first respondent. Aggrieved thereby, the petitioners availed the remedy of appeal before the first respondent, together with an application for grant of stay. Alleging that no orders have been passed, either in the appeal, or in the stay application, they have filed this writ petition.

Heard learned counsel for the petitioners and the learned Government Pleader for Civil Supplies.

Several grounds are urged on behalf of the petitioners, including those of violation of principles of natural justice, lack of jurisdiction, abdication of powers, acting at the instance of the superior authorities. Inasmuch as the petitioners have availed the remedy of appeal, this Court does not intend to go into the merits of the matter. Suffice it to say that the impugned order of cancellation of licences was not preceded by any notice and it is, *prima-facie,* violative of principles of natural justice. The third respondent did not come to an independent conclusion and had acted on the instructions issued by the first respondent.

In that view of the matter, the writ petition is disposed of, and the impugned order dated 27.11.2004 shall stand stayed, till the disposal of the appeal preferred by the petitioners against the order of cancellation. There shall be no order as to costs.

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20th December, 2004

Note: Issue copy by tomorrow.

(B/o)

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To

1 The Dist.Collector (CS), Nalgonda District.
2 The Revenue Divisional officer, Suryapet, Nalgonda District.
3 The Mandal Revenue officer, Suryapet Mandal,

Nalgonda District.

4 Two C.Cs to the Govt.Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT).

5 Two CD copies